

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
Assistant Director
(608) 266-2982



David J. Stute, Director
Legislative Council Staff
(608) 266-1304

One E. Main St., Ste. 401
P.O. Box 2536
Madison, WI 53701-2536
FAX: (608) 266-3830

CLEARINGHOUSE RULE 98-117

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

Section ATCP 127.19 (2) refers to “the department.” That term should be defined in s. ATCP 127.01.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. The term “home solicitation,” as defined in s. ATCP 127.01 (14), implies that such a solicitation occurs at a consumer’s home. However, it is not clear from the definition that solicitation at an individual’s home is a required element of a “home solicitation.” Can a “home solicitation” occur at an individual’s place of employment? The definition should be clarified.

b. In s. ATCP 127.01 (27), the definition of the term “seller” is modeled on the language contained in s. 93.01 (1m), Stats. The statutory definition of the term “business” excludes financial institutions such as banks, savings banks and savings and loan associations, while the rule definition of the term “seller” excludes financial institutions such as a bank and a savings and loan association. It appears that the rule definition should exclude a savings bank. Also, should the rule definition exclude a credit union?

c. In s. ATCP 127.02 (2) (a) 1. and 2., is there any difference between the terms “face-to-face communication” and “face-to-face solicitation”? If there is no difference, the same term should be used. If there is a difference, the difference should be explained.

d. In s. ATCP 127.06 (1) (b), the notation “chs.” should be replaced by the notation “ch.” because of the use of the disjunctive word “or.”